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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,761	03/24/2004	Daniel R. Coward	SUNMP324 / P9667	5906
32291	7590	07/06/2006	EXAMINER	
MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085			HUYNH, NAM TRUNG	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/808,761	<b>Applicant(s)</b> COWARD ET AL.	
	<b>Examiner</b> Nam Huynh	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 9-17 and 22-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-17 and 22-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

This office action is in response to amendment filed on 3/30/06. Of the original claims 1-21, claims 1-8 and 18-21 have been cancelled, claims 9, 11-12, and 13-17 have been amended, and claims 22-33 have been added.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 9-17 and 22-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fano et al. (US 2002/0133545) in view of Corrigan et al. (US 2002/0187775).

A. Regarding claim 9, Fano et al. discloses a mobile valet in which enhanced delivery of services are provided through a wireless mobile device (abstract). The system comprises a database (user information system) for storing user profiles (page

12, paragraph 108) and a mobile valet device that comprises a storage medium (service information system) where information can be retrieved directly by the mobile valet application and be used to generate location-based menu, general service menu, and location-based services (service description data) (page 9, paragraph 86). These menus are displayed on a display screen (renderer) (figure 2, item 48) and contain services that are available to the user (page 10, paragraphs 96-99).

In the scope of the invention, context-based user interface templates on the mobile device provide a common array of services available to the user depending on the context, such as location, task, or function that may be based in-part of environmental cues (page 2, paragraph 23). The context may include aspects of the user profile, such as specific preferences, or it may include the user's location, objects the user has recently viewed, information that the user has received, etc. For example, the user may prefer a certain brand of computer equipment, or may have indicated in a "To Do" list on their mobile device that they are in need of certain computer supplies. When the user, in search of, for example, a particular printer, visits a computer store having a system embodying the present invention, in addition to accomplishing the tasks of comparing the features and prices of various printers (first service), the system of the invention may deliver other services, for example, displaying the noted computer supplies on a kiosk, or prompting a sales person to approach the mobile user and remind him or her of the additional computer supplies listed on their "To Do" list (probable second services). This additional service delivery is based on the information conveyed from the mobile device to the context or location (page 1, paragraph 11). In

this example, the pattern common to the two services would be the data entered into the "To Do" list comprising "printer" or "computer".

The invention of Fano et al. does not explicitly disclose a ranker filter module and a user action proxy. Corrigan et al. discloses an access node that has a portal that performs interfacing between a wireless network domain and content/service providers in the Internet (abstract). In one aspect of the invention, a mobile subscriber is allowed to create a personalized content profile, store the profile, and manage transmission of requests and delivery of content (services) according to the profile (page 1, paragraph 17). Using this profile a subscriber is able to select their own portfolio of personalized services (page 2, paragraph 70), therefore rendering the ranker filter since it allows a mobile subscriber to customize the delivery of services based upon the user profile. In another aspect of the invention, dynamic management objects co-operate with session management objects to monitor the pattern (detect user action) of usage of mobile Internet services (at least two) by the subscriber. With this technique, the dynamic management objects are able to suggest that frequently visited services that may not already be on the subscriber's personal list are automatically added (store the user actions in the user information system (page 6, paragraph 158). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Fano et al., to comprise means of monitoring the pattern of usage of a mobile subscriber, as taught by Corrigan et al., in order to The user can personalize and speed access to frequently used services by, for example, setting data filters, defining push schedules, configuring terminal type and preferred access bearer.

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B. Regarding claim 10, Corrigan et al. discloses that dynamic management objects co-operate with session management objects to monitor the pattern of usage of mobile Internet services by the subscriber and automatically updates a subscriber's personal list or profile (page 6, paragraph 158).

C. Regarding claims 11 and 25, Corrigan et al. discloses a Subscriber ID, or specific user personal information for the user of authentication (page 3, paragraph 80).

D. Regarding claims 12, 26, and 32, Fano et al. discloses that not all available menu options are shown at once. The selection is made on the basis of the particular task stage and the services available to support a given focus object (ranker filter) (page 5, paragraph 54).

E. Regarding claims 13 and 27, Corrigan et al. discloses that the service provider may create on-line descriptions of the available services and present them to a user (page 3, paragraph 77), therefore defining the service to the user.

F. Regarding claims 14-15, 28-29, and 33, Fano et al. discloses that the mobile device utilized in accordance with the invention can coordinate the delivery of services to create of what is referred to as a "symphonic experience" or "pooled experience". Therefore, the services work together or are aggregated.

G. Regarding claim 16, using the example of Fano et al. cited above, when a user enters the store, he/she would be notified of the contents on the "To Do" list from the "other" services available to the user such as the kiosk or salesperson.

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H. Regarding claim 17, Fano et al. discloses that a display screen displays the mobile valet application (page 8, paragraph 80). This application provides an entry into the system because it is connected with a server (page 8, paragraph 82).

I. Regarding claims 22 and 30, the limitations are rejected as applied to claim 9. Additionally, Fano et al. discloses that the mobile valet device uses a web browser (home page display) to access information stored within the server (page 8, paragraph 84) and a user input device (page 8, paragraph 81).

Corrigan et al. discloses that the service provider may create on-line descriptions of the available services and present them to a user for subscriber provisioning and addition or removal of services (querying) (page 3, paragraph 77).

J. Regarding claims 23-24 and 31, Fano et al. discloses that the deliveries of services are based on user information that is included in the user profile (page 1, paragraph 11). Therefore the user profile may include information from the past use of the mobile device (page 3, paragraph 39).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 9-17 and 22-33 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NTH  
6/29/06

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER